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**HIGH COURT OF CHHATTISGARH: BILASPUR**

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**SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.**

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**Writ Petition (C) No.4884 of 2006**

**PETITIONER** Bharati Deshmukh, aged about 24 years, D/o Shri Mohit Deshmukh, R/o HIG 23, Padmanabhpur, Durg (C.G.)

Versus

**RESPONDENTS**

1. Kumar Sambhav Mandavi, aged about 24 years, S/o Shri Kishori Lal Mandavi, Scheduled Tribe Gond, HIG 8, Panch Building
   Durg (C.G.)

2. Arya Samaj Mandir, Baij Nath Para, Raipur (C.G.)
   Through President,
   Arya Samaj, Baijnathpara,
   Raipur (C.G.)

3. Hon'ble District Magistrate,
   Raipur (C.G.)

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Present: Shri V.G. Tamaskar, learned counsel for the petitioner.

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ORAL ORDER

(Passed on 12th September, 2006)

The grievance of the petitioner is that though the 3rd Principal Judge, Family Court, Durg has no jurisdiction to entertain the case No. 51-A/2006 in as much as Hindu Marriage Act has no application and learned 3rd Principal Judge, Family Court has registered the case without jurisdiction. In the premise of the above contention, this writ petition is filed for quashing the proceedings by writ of certiorari. If it is the case of the petitioner that the registration of the case instituted by the 1st respondent itself is

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without jurisdiction, this plea could be raised before the Family Court itself. It cannot be said that the Family Court has jurisdiction to decide the jurisdictional issue also. In that view of the matter, I am not inclined to entertain this writ petition at this stage. Writ petition is dismissed. However, this order shall not come in the way of the petitioner raising a jurisdictional issue before the learned Family Judge for its consideration and decision, if she is so advised.

**Sd/-**
**Chief Justice**

Kvr